

5/013/0004
cc: Leslie



United States
Department of
Agriculture

Forest
Service

Ashley National Forest

Duchesne Ranger District
PO Box 981
Duchesne, UT 84021

File Code: 2810

Date: September 18, 2013

Tom Howcroft
1040 East 1500 South
Vernal, UT 84078

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER:**

RECEIVED E-Mail

SEP 19 2013

Div. of Oil, Gas & Mining

Dear Mr. Howcroft,

A camping trailer and several pieces of heavy mobile and non-mobile equipment and assorted supplies, belonging to you, and located within or adjacent to the Honeycomb Mine site, continues to be in trespass on National Forest Systems lands managed by the Ashley National Forest. This letter is to inform you that your unauthorized trailer and equipment must be removed from the Forest immediately. If these are not removed from the Forest before September 23, 2013, it will be removed by the Forest Service at your expense, including but not limited to costs for physical removal of the unauthorized items, Forest Service oversight of removal operations, storage or disposal of the removed items, or other related costs.

A review of Forest Service records show that you do not have the necessary Forest Service authorization for use or occupancy of the Honeycomb Mine or surrounding area, or to possess or use heavy equipment within that area, located on National Forest System lands managed by the Ashley National Forest, within Section 28 of T2N R8W Uinta Meridian. Forest Service authorization for such use is required by Federal regulations, via special use authorization, contract, or approved plan of operations (for example, see 36 C.F.R. §§ 228.4). Your use and occupancy on National Forest System lands within the Honeycomb Mine area represents a significant disturbance of surface resources and requires prior Forest Service authorization in an approved plan of operations. Your unauthorized use and occupancy specifically includes, but is not limited to the following:

- Placement, maintenance, and occupancy of a camp-style living trailer on the Forest, in an area closed to public travel and dispersed camping.
- Occupancy on the Forest well beyond the 16-day camping limit.
- Placement, maintenance, and storage of mobile and non-mobile heavy equipment, fuel and other liquid tanks, and associated equipment on the Forest.
- Construction of a flat equipment pad, at least 50 feet long by 20 feet wide, on which various heavy mobile and non-mobile equipment and storage tanks have been placed.
- Storage of fuels, and unidentified liquids in unlabeled tanks, outside of properly constructed or properly lined containment structures.
- Periodic vehicular travel to and around the Honeycomb Mine site, and transport of heavy equipment to and around the Honeycomb Mine site, both off-road, and via a road that is closed to public vehicle use (Forest Road 121).



Your unauthorized use and occupancy of National Forest System lands is causing unnecessary and unreasonable injury, damage, and loss to surface resources. Your unauthorized use and occupancy of National Forest System lands is in noncompliance with Forest Service regulations, including but not limited to 36 C.F.R. §§ 228.4, 228.7, 228.13, 261.9(a), 261.10(a), 261.10(b), 261.10(k), 261.10(p), 261.13, and 261.58(a), copies of which can be made available on request. Some of these violations are class B misdemeanor charges.

During a June 25 2013 field visit to the Honeycomb Mine site, the camp-style trailer was pointed out to you, and you admitted that the trailer was yours. At that time, you were informed that you did not have approval from the Forest to have a camp trailer at the mine site, and that it needed to be removed from the Forest, or have it included within a new or updated plan of operations. You were also advised that you did not have approval to bring any other additional equipment or materials to the mine site, or onto the Forest, without an approved Plan of Operations. You were also advised that the access road to the mine site (Forest Road 121) was closed to public access, and that vehicle travel on that road was not allowed, except when accompanied by Forest Service personnel, or as an authorized representative of Shamrock Mining under their approved Plan of Operations. Following the June 25 2013 field visit, and contrary to our direction, additional unauthorized equipment belonging to you and/or Howcroft Field Services was subsequently brought to the Honeycomb Mine site.

On or about August 13 or 14, you came into our Duchesne Office to clarify some questions you had about mining claims. At that time, you were once again notified that your unauthorized camp trailer was still located on the Forest, that additional unauthorized equipment had also been moved onto the Forest, and that you needed to remove both the trailer and the additional heavy equipment and supplies. You admitted that the additional equipment also belonged to you, and after some discussion, you verbally agreed to a one-week deadline, by which time you would resolve the issue. Specifically, you agreed that within one week from that time, you would have accomplished one of two tasks: Either, (1), you would have removed your trailer and all of your equipment from the Forest, or (2), you would have obtained ownership and control of the Honeycomb Mine and underlying mining claims, and would have submitted a new Plan of Operations to the Forest for review, which plan included the trailer and equipment in question.

As of September 18, 2013, it is our understanding that you did not take ownership of the Honeycomb Mine and associated mining claims, within the specified one-week deadline, nor did you remove your trailer and other equipment from the Forest within that time-frame, nor did you attempt to discuss or negotiate a new or different deadline for removal of your equipment before the deadline expired.

During our inspection of the Honeycomb Mine site, on September 12, 2013, it was noted that your unauthorized trailer and equipment were still located on the Forest. It was also noted that a flat equipment pad had been cut and constructed, at least 50 feet long by 25 feet wide, without authorization, for placement of your equipment and storage tanks. It was also noted that your on-site tanks, containing fuel and other unidentified liquids, were not located within a properly constructed or properly lined containment structure. It was also noted that, since the June 25 field visit, your camp-style trailer had been relocated slightly to a flat pad area, had been leveled

and adjusted for occupancy, had been occupied, and had been connected by cables and hoses to some of your other equipment, to better facilitate long-term occupancy of the mine site.

As noted above, these activities were not authorized by the Forest Service, and were conducted contrary to Forest Service instructions provided to you on multiple occasions. To comply with Forest Service regulations, you must immediately cease your unauthorized use and occupancy of the Forest, and remove all of your property and equipment (trailer, mobile and non-mobile equipment, supplies, etc.) from the Forest before September 23, 2013. In addition, you may still be cited for violations of the regulations listed above. Failure to comply may result in criminal charges.

Please note that Forest Road 121, providing access to the Honeycomb Mine area, remains closed to public vehicle travel, and is blocked by a locked gate. Therefore, to avoid additional vehicle trespass, and to avoid being stopped by the locked gate, you will be required to contact either Shamrock Mining or the Duchesne District Office of the Ashley National Forest, to accompany you on the road and mine site, and to open and close the locked gate as needed.

In the future, if you wish to conduct minerals-related surface disturbing activities legally, including occupancy and use of the Forest, use or storage of heavy equipment on the Forest, or use of vehicles to access mining claims on roads otherwise closed to the public, you first need to obtain a valid mining claim on which to operate, then you need to obtain a signed and approved plan of operations. In such case, you would provide a draft plan of operations to the Forest, outlining in detail what you wish to do, when and where and for how long, with what equipment, and so on. The Forest would then review your draft plan of operations for compliance with applicable laws and regulations, and review it for potential impacts to the environment, including appropriate NEPA compliance and documentation, to determine whether your plan of operations is reasonable and acceptable, and to apply any needed mitigations or restrictions, before you could proceed.

If you have any questions regarding this letter, please contact our Forest Geologist David Herron at 435-781-5218, or myself at 435-781-5203, and we will set up a time to meet with you to discuss your questions or concerns.

Sincerely,

/s/ Kristy L. Groves
Kristy L. Groves

cc: David A Herron, Valerie A Chang, Leslie Heppler (Utah DOGM)